IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 21786 of 1995

Between:

Syed Ahmed, S/o Syed Sahed, Muslim, aged 53 yrs,
Mandal Educational Officer, Kurnool (M), Kurnool.

..... PETITIONER

AND

1 District Educational Officer, Kurnool.
2 The Collector & District Magistrate, Kurnool.
3 The Joint Collector, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court mayl be pleased to issue WRIT OF CERTIORARI or any other appropriate WRIT, ORDER or DIRECTION, quashing the orders of the collector, Kurnool, dated 20.9.95 made in R.C.A.No.1/95 and for a consequential direction, directing the respondents to continue the petitioner as part time Superintendent of Balbhavan at Kurnool.

For the Petitioner: MR.M.LAKSHMANA SARMA, Advocate

For the Respondents.: GP FOR SCHOOL EDUCATION

The Court made the following :

O R D E R

In the present writ petition, the petitioner seeks the issuance of writ of Certiorari and to quash the order passed by the Collector in his proceedings R.C.A.No. 1/95, dated 20.9.1995.

The grievance of the petitioner is that when he was working as Mandal Educational Officer, Kurnool, he was also given additional charge as a part time Superintendent to look after the affairs of Balbhavan, Kurnool, and without any notice whatsoever he was removed from out of the said post of Superintendent, Balbhavan. According to him, the said order is contrary to the procedure prescribed under Article 311 of the Constitution of India and further the said order is without jurisdiction, as the Collector alone is competent to pass any orders.

No counter is filed.

Heard the learned counsel for both sides.

I find some substance in the grievance of the writ petitioner, but however, as he retired from service on attaining the age of superannuation, the said questions raised by the petitioner are purely on academic. Hence, I do not want to go into the merits of this writ petition at this point of time.

The writ petition is accordingly dismissed. No costs.

_____ 2nd September, 2004

vp

SPL. OFFICER

//TRUE COPY//

SECTION OFFICER

TO

1. The District Educational Officer, Kurnool,
2. The Collector and District Magistrate, Kurnool,
3. The Joint Collector, Kurnool
4. 2 C.Cs to Govt. Pleader for School Education, High Court buildings, Hyderabad (OUT)
5. 2 C.D. copies.